THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.3648 OF 2006

DATED: 27-02-2006

BETWEEN:

Patan Osman Ali Khan, S/o. Ali khan

And another … Petitioners

and

The District Collector,

Kurnool District and three others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.3648 OF 2006

ORDER:

Petitioners filed this writ petition seeking to declare the action of the respondents in trying to dispossess and occupy the lands of the petitioners to an extent of Ac.11.25 cents situated in Survey No.157 of Joharapuram village, Kallur Mandal, Kurnool District in the layout granted and approved by the Gram Panchayat and Town Planning as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel appearing for the petitioners submitted that the petitioners

are the owners of the land in an extent of Ac.11.25 cents situated in Survey No.157 of Joharapuram village, Kallur Mandal, Kurnool District having purchased by different sale deeds and as the said land is suitable for house sites, they wanted to develop the same by obtaining a layout. It is stated that the petitioners obtained and laid the layouts with all specifications as per the rules of the Town Planning Department. It is also stated that for allotment of their land under Rajeev Gruhakapla Scheme, respondents 3 and 4 made certain preliminary enquiries and are taking steps to dispossess the petitioners from the said land without following due procedure prescribed under law and without acquiring the lands under Land Acquisition Act. It is stated that the petitioners cannot be deprived of their right of property without following due process of law.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case as to whether the petitioners are owners and possessors of their lands, I deem it appropriate to direct the respondents not to take away any portion of the said land without initiating any proceedings against the petitioners either under Land Encroachment Act or under any provisions of the relevant enactments.

In the result, writ petition is disposed of and the respondents are hereby directed not to dispossess the petitioners from the lands in question without following due process of law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 27-02-2006

Note:

Issue C.C. within two days.

B/o.

rns